

## The Sun.

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## Progress in Two Countries.

In his speech at the Pilgrims' dinner Mr. JAMES BRYCE said that since the American Revolution "we in Britain popularized the Constitution."

Mr. BRYCE might have added that we in America have anthropomorphized the Government, conferred upon, or allowed to be monopolized by, one salient and abounding personality most of the powers distributed by the Constitution.

If poor old GEORGE III. could revisit the glimmers of the moon he would utter "What, what, what!" to find the descendants of the men who revolted from his personal and arbitrary rule accepting with enthusiastic gratitude a personal ruler who takes all regulation for his province and imposes his curious temperance and his commanding and restless volitions upon all functions of government and most matters of human interest.

## The German Empire and the American Union.

It was an interesting lecture which Dr. OTTO HÖTZSCH, professor of history in the Royal Academy at Posen, who has come to this country at the invitation of the Germanistic Society, delivered on Wednesday at the Academy of Medicine. He directed attention to the points of likeness between the two types of federative government exemplified in the German Empire and in the United States. There are, however, many and grave points of difference which it is also well to bear in mind.

First, as to structure: Each State in our Union, whether large or small, has an equal voice in our Senate, and—a unique feature of our organic law—cannot be deprived of such equal voice without its own consent, even by a constitutional amendment. In the Bundesrath, which corresponds roughly to our Senate, there is no such equality of representation. The seats in that body are distributed among the States and cities composing the German Empire in such a way that each is entitled to the same number of votes as it possessed in the Diet of the old Germanic Confederation, except that to Bavaria, as part of the inducement to join the empire, were conceded six delegates instead of four, while Prussia obtained the seats of the States which she absorbed in 1866. The votes acquired by Prussia in this way were those of Hanover, 4; Hesse-Cassel, 3; Holstein-Lauenburg, 3; Nassau, 2, and Frankfurt, 1. We should here mention that Alsace-Lorraine occupies an anomalous position, having been authorized since 1870 to send to the Bundesrath delegates who, like the spokesmen of Territories in our Congress, can debate but cannot vote.

The outcome of the distribution is that of the 58 voting members of the Bundesrath Prussia has 17; Bavaria, 6; Saxony and Württemberg, 4 each; Baden and Hesse-Darmstadt, 3 each; Brunswick and Mecklenburg-Schwerin, 2 each; and the remaining fourteen States and three Free Cities, 1 each. As a matter of fact Prussia controls 20 votes, because the contract for the government of Waldeck gives her the vote of that State, and in 1870 on that of an imperial tobacco monopoly, though on this point they yielded some years later. We add that the members of the Bundesrath are diplomats rather than Senators. Under the German Constitution they enjoy at Berlin the privileges of foreign Ambassadors, whereas the members of the Reichstag have only the ordinary privileges of members of a parliament. The delegates to the Bundesrath are appointed and removed at will by the States they represent, which pay them or not, as they please. Moreover, all the delegates of a State must vote alike, the 17 votes of Prussia, for instance, being cast in her name by a single representative. From this point of view it is evident that the Bundesrath corresponds more nearly to the unicameral Congress which existed under our Articles of Confederation than to our present Senate.

In the executive department we find that the German Emperor, like the President of the United States, is commander-in-chief of the army and navy; has charge of foreign affairs, and represents the empire in its relation to other countries, to the constituent States or to individuals. He can make treaties, but where these fall within the domain of legislation they require the assent of the Bundesrath. Without the consent of that body he cannot declare war or carry out Federal execution against a recusant or delinquent State. In most, if not all, of his civil functions he acts as the delegate of the confederate Government. He has no initiative in legislation and is not represented in the Reichstag at all; for, strictly speaking, the Chancellor appears there only as a member of the

Bundesrath. However large, in a word, may be his powers as King of Prussia, he is as Emperor very little power, except in military and foreign matters. Thus as Emperor he has no veto, but as King of Prussia he has a veto to a certain extent, for under the organic Federal law the negative vote of Prussia in the Bundesrath defeats any amendment to the Constitution or any proposal to change existing laws relating to the army, the navy or the taxes.

We come lastly to the judicial branch of the Imperial Government, which differs sharply from the judicial system which has been created under our Federal Constitution. In the German Empire justice is administered in the first instance by the State courts; yet the organization of these courts is regulated by imperial statutes. Their rules of practice and of substantive law are also derived from the same source, for the Federal Government has enacted not only codes of civil and criminal procedure but also codes of criminal, commercial and civil law by which the State tribunals are governed. The Federal Tribunal known as the Reichsgericht, or Court of the Empire, has original jurisdiction in cases of treason against the empire, and appellate jurisdiction not only from the Federal consular courts but also from the State courts on questions of imperial law. We should note, further, that the Bundesrath has powers of a judicial nature. It decides disputes between the Imperial and State Governments about the interpretation of imperial statutes; and, on appeal, settles controversies between States which are not of the nature of private law.

We have here named only the more salient features of difference, but they suffice to show that the German Empire is far from being a federal union of a kind with which we are familiar. It is rather a continuation of the old Germanic Confederation, with the old Diet, renamed the Bundesrath, with the centre of gravity shifted from the States to the central Government, with the preponderating power placed in the hands of Prussia, and with the other large States retaining privileges roughly in proportion to their size. On the whole, analogies drawn between the German federative system and our own would be apt to prove misleading rather than enlightening.

## Real Ecstasy in Washington.

High society at the national capital believes that it has reason to look forward to next winter's pageantry at the White House with a fervor almost semi-religious in its intensity. Rumor painted with many tongues has been busy during the last few weeks, and promises of new splendors for the season of 1908 are as plentiful as Georgia blackberries in midsummer and as intoxicating as the finest mountain dew.

We are not in a position to dispense the halcyon details. These coming wonders are guarded with a vestal vigilance from common observation. All we can say with certainty is that high society now throbs responsive to a vast and reverent tremor. The fidget of an ecstatic premonition is in every courtier's consciousness. Only the anointed few are supposed to know, even vaguely, what celestial revelations are in store for the country. The multitude must wait, thank heaven, for their blessings yet to come, and to placate a natural impatience pant like lizards on a Mississippi fence in June.

But a logical, and we hope a not ignoble, curiosity possesses us. How could social functions at the White House be more impressive, more ceremonious and more picturesque than they have been during the immediate past? It has become the custom to enrich the President's personal environment with every imaginable accessory of processional display and circumstance. Foreign potentates may and do have vaster theatres wherein to manipulate the pageant. But, considering the size of the White House, its limitations in respect of space and of architecture—for it was adjusted to the humble needs of the days of WASHINGTON, ADAMS, JEFFERSON, JACKSON, VAN BUREN, BUCHANAN, GRANT, ARTHUR, and HARRISON—considering these things, we say, the most eager and exacting imperialist must admit that President ROOSEVELT has made the most of his opportunities. Nowadays when the President of the United States gets ready to descend from the illustrious apartments upstairs and gladden with his presence the assembled courtiers on the lower floor a trumpet blast in the hallway ushers in the All-Highest. Ten blazing military officials precede him. Everybody rises with reverent activity. Army, Navy and Marine Corps officers go ahead in serried and bedizened circumstance. With bulging chests and radiant liveliness they march, nay, they swim—a vision of peculiar majesty and grace. Nothing more beautiful has ever dawned on human vision.

Thus it is a question in the unenlightened mind whether there can be any possible improvement on the existing system. Shall the trumpet blast be advanced to the condition of a fanfare? Shall the presumably self-respecting young military officials now discharging domestic duty at the White House be endowed with plush, silk stockings and other symbols of luxurious and honorable servitude? Or, if not in this way, are we to look for splendor and for suitable magnificence by other paths? We give it up!

## The Trust, the Labor Union and the Consumer.

Mr. RICHARD OLNEY, in an article upon modern industry in the *Inter-Nation*, proposes that labor unions obtain charters from the State to protect themselves against the trusts. Usually the call for incorporation comes from the other side, and labor union responsibility is advanced as the reason why a legal status should be assumed. How can the trust, the capitalist deal satisfactorily with a trade union unless it can be held accountable as an organization? Mr. OLNEY argues that self-interest should impel the labor union to incorporate,

He intimates that until it does it will be at a disadvantage in its bargains with organized capital. Besides the obvious features of a legal entity and authorization to make contracts, Mr. OLNEY thinks the labor union charter should provide for arbitration under the direction of the State. Compulsory arbitration must be supplementary to labor union incorporation in such a scheme as that submitted by Mr. OLNEY; otherwise an industry in the event of an aggravated contest about its interests might be tied up indefinitely in the courts. At least that seems to be Mr. OLNEY's view. It is a necessary part of his plan that the books and records of both parties may be called for when the State intervenes as arbitrator. Advancing a step further, he advocates the taking over by the State of the property of a quasi-public corporation when "controversies between the owners of the property and their employees prevent their rendering to the public the service rightly expected of them."

But the majority of trusts or monopolies are not of a quasi-public nature, and it occurs to Mr. OLNEY that in the case of these other combinations of capital that make bargains with labor there is a third party that ought to be considered, namely, the consumer. We confess a lively interest in any proposal of Mr. OLNEY's to protect the consumer from excessive prices. He cannot combine with his fellow sufferers and call upon the State to intervene and knock off five cents a pound for beef or ten cents a hundred for ice. But Mr. OLNEY is disappointing; the best he can do is to suggest a revision of the tariff to the end that there may be less restraint upon competition. This seems a lame conclusion, as incorporated capital and incorporated labor unions could adjust their relation to any conditions of tariff legislation. Taking Mr. OLNEY's definition of a trust as "simply such a concentration of capital upon an industry as minimizes or tends to minimize the cost of production," it is plain that the trust can exist under free trade as well as in a protectionist country.

There is no doubt that the consumer in the United States would be benefited by an impartial revision of the tariff, but if the trust cannot be curbed, or if it is to make prices by arrangement with incorporated labor, the reduction in prices to the consumer might be only temporary. There is a ray, indeed a shaft, of light from another direction, and we are surprised that Mr. OLNEY has not turned it on: the wage earners are themselves consumers, and they have to live there could be no playing fast and loose under the dual incorporation with price lists. In the general plan there must be consideration for some of the consumers if not for all. The consumers' main reliance, of course, must ever be on the anti-trust law; that it can be invoked and directed against conspiracies to inflate and maintain prices there is no longer doubt. The trouble is that it is invoked only when prices border on extortion and the mischief has been working for some time. We are not sure that the consumers cannot sometimes fall back upon combination to do without, or buy less of articles that are arbitrarily advanced in price. There have been some minor successes along this line; more in England than in this country.

Mr. OLNEY's solution of the industrial problem, with its compulsory arbitration and taking over by the State of properties like waterworks, gas plants and street railways operated for the general welfare, will please the Socialists, who will regard it as a concession to their theories by a corporation lawyer. But it will not please the trade unions. They are opposed to chartered combination for themselves. Mr. JOHN GRAHAM BROOKS, their leading publicist, says that they fear to trust their funds to "ordinary court decisions." But perhaps it is not so much for their funds as for their general policy of seeking to control production that they fear. Mr. BROOKS, however, is not one of the radicals who have put incorporation on the blacklist. 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